

## APPENDIX A – INSPECTION PROTOCOLS

**1. TASK 1 SITE PRE-INSPECTION PLANNING & NOTIFICATION OF INSPECTION**

1.1. The Contractor is expected to contact the Hawaii Department of Health (HDOH) Technical Point of Contact (POC) and prepare an agreed upon inspection schedule. The Contractor is expected to work closely with the HDOH Technical POC for all the steps that follow in this section and document their communication. The Contractor will have received an Authorization letter from HDOH to present to each facility prior to conducting the inspection.

Commented [rk1]: To be consistent with the rest of the document.

Commented [JRD2R1]: That's fine

Commented [PB3R1]: All references to DOH have been changed to HDOH

1.2. HDOH Inspection Protocol that Contractor Must Follow in Scheduling must follow in scheduling Inspections in Hawaii is as follows:

Commented [rk4]: Need to check with Wade

Commented [JRD5R4]: Do we have to? Let him know about this or maybe ask Lene if it is necessary.

1.2.1. The Contractor shall review the owner/operator's compliance history for each facility.

Commented [rk6]: Move to 1.3 since this section refers to scheduling inspections.

1.2.2. The Contractor shall follow the basic procedures outlined in this attachment for inspections.

Commented [JRD7R6]: It's more of an overview of the facility necessary to plan the inspection, e.g. maybe allot longer inspection time

1.2.3. Throughout the inspection planning process, the ~~inspector~~ contract inspector is responsible for the following:

Commented [rk8]: Contractor?

Commented [JRD8R8]: yes

1.2.3.1. Filling out the **Inspection Trip Schedule and Report Form (See Attachment 1)** and presenting the completed forms to the HDOH Technical POC for approval (columns for Field Citation & Significant Operational Compliance do not need to be filled in before inspection).

1.2.3.2. Filling out the **Inspection Planning Worksheet (See Attachment 2)** Date & Time columns

1.2.3.3. Coordinating with the ~~HDOH Technical POC~~ Point of Contact and asking whether the HDOH wishes to participate in the inspections and working with the HDOH inspectors on scheduling mutually workable inspection dates. ~~The HDOH Technical POC may show up to any scheduled inspections. This affords the HDOH and the contractor an opportunity to go over things while on an inspection site.~~

1.2.3.4. Once the HDOH Technical POC has approved the inspection schedule, email the schedule to HDOH UST inspectors.

1.3. Review of existing information and previous inspections - The Contractor, in the ~~inspector's~~ role, ~~contract inspector~~ shall review general enforcement related information for each facility ~~one month~~ in advance of the inspection. This review requires information and documents that are housed in HDOH files and in HDOH's database - USTRAC. The Contractor should obtain the documents and USTRAC printouts from the HDOH Technical POC prior to beginning the review. Some of these review documents may include the information presented in Table 1.3 below:

Commented [rk10]: Isn't this too far in advance?

Commented [JRD11R10]: Files are available any time. He'll have to pull the files himself from the shelves and follow the same procedure as everyone does. Nicole can probably orient him of our procedures.

Commented [PB12R10]: I think the "one month" should be removed. Otherwise the first month of work will just be reviewing information.

## APPENDIX A – INSPECTION PROTOCOLS

Table 1.3 - Information required for pre-inspection review	
Documents from HDOH files	USTRAC data
a. Inspection Planning Worksheet ( <b>See Attachment 2</b> ) <b>Note:</b> Ensure that owner/operator basic information and compliance history (Appendix C Sections 4) have been filled out. Contact HDOH Technical POC if any information is missing. b. Inspection Checklist from last inspection (if available) b.c. Notice of Inspection d. All previous Field Citation forms issued, if applicable d.c. Most recent UST Tank Notification Form (if available)	a. Facility and owner contact information b. Tank information c. Type of Financial Responsibility information d. Entries from the last two inspections

Commented [rk13]: Where is table 1.1 and 1.2?

Commented [IRD14R13]: Label it based from the subsection which the table falls under.

Commented [rk15]: Where is this?

Commented [IRD16R15]: I might be in a previous email attachment.

Commented [PB17R15]: There is no Appendix C, this may have been from a previous contract.

## 1.4. The purposes of the review steps in Table 1.3 are to:

1.4.1. Familiarize the inspector with the facility (e.g., knowing the leak detection method used will help the inspector anticipate what kind of records to ask for);

1.4.2. Ensure that the information in USTRAC matches the information in the documents on file.  
 If there are discrepancies, the Contractor shall notify the HDOH Technical POC of the details of these discrepancies.

1.4.3. The Contractor shall use the file documents and the information from Table 1.3 to fill in the following portions of new **UST Inspection Checklists (Attachments 3-8)**:

- Part I Owner Information
- Part II Facility Information
- Part III Tank Information

## 1.5. Call the facility

1.5.1. Before calling the owner / operator, the Contractor shall have the following documents available: Inspection Planning Worksheet (**Attachment 2**) to fill out during and after the telephone call.

1.5.2. The Contractor shall call the facility and identify the primary Facility Representative for the inspection (this may be the owner/operator, manager, or another person who will be responsible for working with the contract-inspector).

1.5.3. If the Facility Representative is not present at the facility, the Contractor shall obtain instructions on reaching him/her at an alternate phone number and/or time and use the information to get in touch with him/her.

1.5.4. The Contractor shall inform the Facility Representative of the following:

## APPENDIX A – INSPECTION PROTOCOLS

- Date and approximate time of inspection;
- That a contractor will be conducting the inspection on behalf of HDOH;
- That the purpose of the inspection is to ensure that their Underground Storage Tank facility is in compliance with State UST rules;
- The name and contact telephone number of the HDOH UST inspector (who may be present and/or act as the lead or assisting inspector);
- The roles of the lead and assisting inspectors;
- Items that the facility must have ready for the inspection such as:
  - a) Manhole covers, lids and fill ports must be accessible;
  - b) A facility representative that has keys to the dispensers must be present;
  - c) Paperwork must be ready for the inspector's review;
  - d) Facility staff must provide traffic control: set up cones around each outside area being inspected and direct vehicles away from the areas.

Commented [rk18]: Is this necessary since the contractor will be the lead after the first 2 doh inspections

Commented [IRD19R18]: Just keep it, see my comment in 1.2.3.3

1.5.5. The Contractor shall double check with the Facility Representative as to the accuracy of the basic facility information such as- facility name, address, number of tanks, owner/operator names, etc. If any of those items have changed the Contractor shall inform the HDOH Technical POC and update those items in USTRAC, as necessary at the end of the inspection week and email the updated information to the DOH Technical POC.

Commented [rk20]: Should note and provide the information at the end of the week

Commented [IRD21R20]: Yes, agree

1.5.6. The Contractor shall ask the Facility Representative if the facility can provide any of the following equipment required for inspection:

- Measuring/dip stick (for measuring product level in the tank)
- Fuel/water indicator paste
- Brass screwdriver
- Traffic cones
- Industrial flashlight
- pry bar
- wrench

**Note: If the facility cannot provide this equipment, the Contractor shall provide this equipment but a notation shall be made on the inspection checklist to make a field determination as to whether the unavailable equipment has a negative effect on the facility's ability to accomplish leak detection and inventory reconciliation.**

Commented [rk22]: These were mentioned in the next page.

Commented [IRD23R22]: yes

1.5.7. The Contractor shall note the demeanor of the Facility Representative during inspection notification call(s) (e.g. hostile, confused, helpful) note concerns on Inspection Planning Worksheet and report to HDOH Technical POC. This information will alert the inspector to plan for a difficult inspection or access denial.

1.6. Scan and email a copy of the Inspection Planning Worksheet to the HDOH Technical POC.

Commented [rk24]: Can this be given at the end of the week with the rest of the documents? I need the schedule for the week.

1.7. Assemble documents to take into the field for reference during the site inspection.

1.7.1. Filled-out Inspection Planning Worksheet (Attachment 2)

1.7.2. Completed Inspection Checklist from the most recent inspection

Commented [IRD25R24]: Yes, I guess to have access to the info just incase. Just keep it.

APPENDIX A – INSPECTION PROTOCOLS

- 1.7.3. ~~Most~~ recent Notice of Inspection (~~Attachment 10~~)  
 1.7.4. Copy of the most recent sketch of the facility (based on past Inspection Checklists)  
 1.7.5. ~~Most~~ current Notification for USTs (**Form No. 1 –Attachment 9**)  
 1.7.5-1.7.6. Current Permit application

1.8. Assemble Blank Forms to be completed during inspections

- 1.8.1. Notice of Inspection (~~Attachment 8~~<sup>10</sup>) form.  
 1.8.2. ~~Blank~~ **Inspection Checklist forms (Attachments 3-8)**  
 1.8.3. ~~Blank~~ Tank Notification form (**Form No. 1 –Attachment 9**) in case the site has changed or upgraded equipment  
 1.8.3-1.8.4.

1.9. Assemble Equipment needed for Inspection – Table 1.9 below lists the recommended items that should be brought to the inspection.

TABLE 1.9 – INSPECTION SUPPLIES	
Required items	Recommended items
Inspector is responsible for: 1) Digital camera with charger (ensure that it is fully charged and that the correct date is set) 2) GPS receiver 3) Non-sparking flashlight 4) Business Cards 5) Cell phone 6) Safety vest (required by OSHA) 7) Traffic cones (required by OSHA) 8) Steel-toed boots (required by OSHA) 9) Industrial flashlight  May be furnished by facility but required to be on site in case of facility unavailability: 1) Measuring/dipstick (for measuring product level in the tank) 2) Fuel/water indicator paste 3) Brass screwdriver 4) Prybar 5) Wrench 3)6)	1) Gloves 2) Laptop computer 3) Taperecorder 4) Videocamera 5) Personal Items for weather & comfort

Commented [rk25]: It attachment 3 the correct attachment number because attachment 3-8 is the inspection checklist forms

Commented [88027826]: Info in previous email attachment

Commented [PB28R28]: It should have been attachment 10

Commented [rk29]: Should be table 1.4?

Commented [IRD30R29]: No because table is under subsection 1.9

1.10. **48 hours in advance of Inspection**

- 1.10.1. Contractor shall call the facility and confirm the inspection date and approximate time (+/- 2 hours of the time that appears on the inspection schedule) and provide the pre-inspection notice

Commented [rk31]: Are we sending pre inspection notice to them?

- 1.10.2. Remind the Facility Representative to make sure that prior to the inspection, (1) manhole covers, lids and fill ports are open; (2) someone who has keys to the dispensers must be present; and (3) UST paperwork must be ready for inspector's review.

Commented [rk32]: Recommend to move this before sec 1.8.

Commented [IRD33R32]: Yeah, this is part of the call to set up the inspection. But because it pertains to the 48 hr notice, it is fine to just keep it here.

## APPENDIX A – INSPECTION PROTOCOLS

## 2. SITE INSPECTION

2.1. Credentials and Identification – HDOH will supply the contract inspector with a letter of introduction indicating that the contractor is performing an UST facility inspection on behalf of HDOH. The letter will include the name of contract inspector, the company he/she works for, and the name of the HDOH Technical POC and a phone number for the HDOH Technical POC. The letter shall be written on HDOH letterhead. The contract inspector shall have an identification card that includes their name, the company they work for and a picture of the contract inspector. The contract inspector shall also have a business card that can be provided to the facility representative.

**Commented [rk34]:** Check with wade

**Commented [IRD35R34]:** Pls seek advice from Lene or Wade. I don't see it as a concern. This is an EPA contract but I think it is more of a courtesy procedure letting the facility representative who the contractor is and that HDOH is aware.

**Commented [PB36R34]:** The contractor should have some kind of letter for the facility rep to let them know the inspection is legitimate.

## 2.2. Arrival at the Site and Preparation for Inspection

2.2.1. Contractor shall be ready to present business cards and inspector credentials (see section 2.1 above)

**Commented [rk37]:** Who will be ordering this?

**Commented [IRD38R37]:** The contractor

2.2.2. Contractor shall have camera and GPS unit set for correct date and time. Camera shall be digital with a sensor larger than 12 Megapixels and capable of producing each image as a minimum large fine jpeg of 5MB each.

2.2.3. Contractor shall take photographs which shall be referred to as “establishing shots” which shall include perspectives of the identifying signage for the facility (i.e. with facility name visible and legible).

2.2.4. Contractor shall then enter the store or other facility central administration or business area and ask to speak to the facility representative identified during the inspection planning process. If the Facility Representative is not present, the Contractor shall ask to speak to the manager or the employee in charge.

2.2.5. If the Contractor-inspector is denied access to the site, the Contractor shall follow the steps described in Section 2.7 - Addressing Problems During Inspection.

**Commented [rk39]:** Should this be contractor or consultant

## 2.3. In-Briefing &amp; Facility Information Review

2.3.1. When the facility representative appears, the Contractor shall:

- 2.3.1.1. make introductions, produce a business card, and present credentials;
- 2.3.1.2. state that the Contractor represents the HDOH as a government Contractor; and
- 2.3.1.3. explain the basic inspection steps and describe what the Facility Representative's responsibilities will be during the inspection (see Table 2.3)

**Table 2.3 Main inspection components and Facility Representative Responsibilities**

Inspection component	Facility Representative responsibilities
1) Outdoor equipment: Sumps and	Making sure sumps and fill ports are open and surrounded by safety cones;

## APPENDIX A – INSPECTION PROTOCOLS

dispensers	Opening the dispensers
2) Indoor equipment: Automatic Tank Gauge/Monitoring Console (e.g. Veeder Root) and Corrosion Protection system, if applicable	Showing the inspector, the location of the ***Automatic Tank Gauge (often, saying “Veeder Root” works because many facilities have that brand)
3) Record and paperwork review	Providing Financial Responsibility documents; leak detection records to include, but not limited to, maintenance, repair/replacement records; permits and ancillary documents and Operator Designation and training certificates

2.3.2. Contractor shall ~~Confirm~~ confirm the name of the owner and operator, facility name, and tank information with the Facility Representative ~~---~~ which is to have been filled out in all the checklists prior to the inspection ~~---~~ and note any updates or items that need correction or re-verification.

2.3.3. Contractor shall indicate to the Facility Representative which records will need to be reviewed by the Contractor to validate compliance with various leak detection and leak prevention requirements. This may include but is not limited to annual line tightness test results, annual test results of line leak detectors, etc. The Contractor shall refer to the list of records the facility was instructed to have available in the advance Inspection Notification Letter.

**Commented [rk40]:** This was not mentioned previously.

2.3.4. If the facility is unprepared for the inspection (e.g. unable to open sumps and/or dispensers) the contractor shall take the steps outlined below in Section 2.7.2 - Unprepared Facilities.

**Commented [IRD41R40]:** This necessitates to have the contractor to send a courtesy inspection notice, please see 1.10.1

2.3.5. Contractor shall take detailed notes during all phases of the inspection.

2.3.6. Contractor shall explain proper UST system operation practices to the owner, operator or the representative.

2.4. Equipment Inspection - Contractor shall use the UST Inspection Checklists for the below components of the inspection and if the checklist form does not provide enough space to legibly and neatly complete the form then additional sheets shall be attached to the form. Each additional sheet should have the facility id number, date of inspection and the Contractor initials.

2.4.1. Outdoor Equipment – UST components, sumps & dispensers

**Commented [rk42]:** Renamed to “sumps” to be consistent with the table 2.3

2.4.1.1. Contractor shall sketch the UST Site in the space provided in the HDOH Inspection Checklist unless ~~a copy of~~ an accurate previously drawn sketch from past inspections is on file, available. Sketch shall include:

**Commented [rk43]:** The map could be from the permit application not from an inspection.

- Location of tanks, their number and contents;
- North direction

APPENDIX A – INSPECTION PROTOCOLS

- Surrounding streets
- Any problems observed

~~2.4.1.2. Contractor shall indicate any problems observed on facility sketch. Contractor MUST reconcile these pieces of information with the current UST Permit/Appendix II and USTRAC information and ensure that tank locations & numbers are unchanged)~~

Formatted: Normal, No bullets or numbering

~~2.4.1.2.2.4.1.3. Contractor shall inspect the Turbine Sumps and Piping~~

~~2.4.1.2.1.2.4.1.3.1. Contractor shall follow Release Detection for Piping Checklist (Attachment 5) to evaluate if the UST equipment meets State regulations.~~

~~2.4.1.2.2.2.4.1.3.2. Contractor shall Indicate on Inspection Checklist if any “good housekeeping” problems are observed in the sumps (See Section 2.4.1.10 Housekeeping Issues for details).~~

Commented [rk44]: Move to before 2.4.1.4

~~2.4.1.3. Contractor shall indicate any problems observed on facility sketch. Contractor MUST reconcile these pieces of information with the current UST Permit/Appendix II and USTRAC information and ensure that tank locations & numbers are unchanged)~~

2.4.1.4. Contractor shall identify if the facility has steel USTs and/or pipes in contact with the soil, and, if so, determine if it has a Corrosion Protection (CP) system.

2.4.1.4.1. If a CP system is in place identify whether it is an impressed current, or sacrificial anode system.

2.4.1.4.2. Use the **Corrosion Protection Checklist (Attachment 3)** to evaluate whether the CP system is in compliance with State regulations.

2.4.1.5. Contractor shall take GPS readings of the tank locations in the following manner:

2.4.1.5.1. Stand directly above the tanks, approximately in the middle (if a canopy blocks the signal, move to the nearest open area);

2.4.1.5.2. Save the GPS reading into the device’s memory with the site ID number;

2.4.1.5.3. Record GPS reading and tolerance reading, if available, on the Inspection Checklist.

2.4.1.6. Contractor shall photograph the following:

2.4.1.6.1. Insides of sumps

2.4.1.6.2. Layout of the USTs as evidenced by the above ground features such as fill ports, sumps, manholes, etc.

APPENDIX A – INSPECTION PROTOCOLS

- 2.4.1.6.3. When ~~photographing take~~ taking pictures from multiple angles and perspectives, ~~and~~ note each of these perspectives as the photographs are taken in a log book for later sorting of the photographs and identification of photographic subjects.
- 2.4.1.7. Contractor shall inspect Spill Buckets and Fill Pipes and will include the following:
  - 2.4.1.7.1. Follow **Requirements for all Facilities Checklist (Attachment 6)** to make sure that spill buckets and fill pipes meet State requirements;
  - 2.4.1.7.2. Indicate on Inspection Checklist if any “poor housekeeping” problems are observed in the sumps (See **Section 2.4.1.10 Housekeeping Issues** for details and a list of problems).
  - 2.4.1.7.3. Photograph inside the spill buckets
- 2.4.1.8. Contractor shall inspect dispensers to include the following:
  - 2.4.1.8.1. Indicate on “Requirements for all Facilities” Checklist if any “poor housekeeping” problems are observed in the dispensers (See **Section 2.4.1.10 Housekeeping Issues** for details and a list of problems).
  - 2.4.1.8.2. Photograph inside the dispensers
  - 2.4.1.8.3. Reconcile facility layout/diagram and dispenser labels with the UST Permit/Appendix II (documents are maintained on site)
  - 2.4.1.8.4. Record the dispenser serial number.
  - 2.4.1.8.5. For dispensers that require UDC and sensing device, fill out “Under Dispenser Containment” section of Attachment 6.
  - 2.4.1.8.6. Upon return from inspection, update USTRAC information, as appropriate
- 2.4.1.9. Indoor Equipment
  - 2.4.1.9.1. Photograph and examine the Automatic Tank Gauge (ATG)/Monitoring Console (e.g. Veeder Root), following the steps outlined in **Release Detection for Tanks Checklist (Attachment 4)**.
  - 2.4.1.9.2. Photograph and inspect the Corrosion Protection System, if the facility has one. Follow **Corrosion Protection Checklist (attachment 3)**.
  - 2.4.1.9.3. If monitoring console has print capability, generate a printout to include the following pieces of information:
    - 2.4.1.9.3.1. System status;
    - 2.4.1.9.3.2. System set up; and
    - 2.4.1.9.3.3. Alarm history
- 2.4.1.10. Housekeeping issues



## APPENDIX A – INSPECTION PROTOCOLS

2.4.1.10.1. “Poor housekeeping” problems are not potential violations, but could contribute to a release of product into the environment. Table 3.2 lists these potential problems, along with their significance and corrective actions. These problems will also appear on the revised Inspection Checklist. To address these problems, the Inspector should:

- 2.4.1.10.1.1. Note them on the Inspection Checklist;
- 2.4.1.10.1.2. Explain to owner/operator the potential consequences of not attending to these problems as outlined in **Table 2.4.1.10**;
- 2.4.1.10.1.3. Recommend corrective actions; and
- 2.4.1.10.1.4. Make notes on the UST Inspection Checklist and attached sheets of problems identified and recommendations made.

Table 2.4.1.10 below summarizes some common housekeeping issues and corrective action recommendations.

**Commented [rk45]:** Is this another form?

**Commented [JRD46R45]:** Additional sheets, if there is any.

**Table 2.4.1.10 - “Poor Housekeeping” problems**

Location	Problem	Reasons for Concern	Corrective Actions to Recommend
<b>Sumps</b>	<p>Turbine sump is full of water</p> <p><b>Note:</b> product in the sumps (investigate using fuel-indicator paste) constitutes a suspected release</p> <p>Comment: If interstitial monitoring is the sole RD for piping, water in the sump is a violation and not just a housekeeping issue. Refer to Attachment 5: HDOH Checklist Piping Release Detection and Attachment 6: Requirements for All Facilities i.e. Spill and Overfill</p>	<p>Water may cause pipes to corrode</p> <p>If facility is using a liquid sensor as a release detection method for piping or an Automatic Line Leak Detector, water in the sump <u>may</u> invalidate the method.</p>	<p>Inspector can require that they pump out the liquid and redesign the slope of the sump so that no water runs off into sump. While regulations do not provide for a specific violation of this situation, write up problem as an improperly designed UST system.</p>
<b>Sumps</b>	Manhole covers that have been sealed shut due to exposure to rain, mud, sand	Inability to easily open lids to perform maintenance and check for problems that	Manhole covers should be opened every month so that they are more accessible for proper maintenance check-ups between inspections.

## APPENDIX A – INSPECTION PROTOCOLS

		may cause or indicate a release.	
<b>Sumps</b>	Facilities with fiberglass sumps and piping: some parts of piping and equipment in the turbine sumps may be corroded.	Potential release of petroleum into the environment if corrosion impacts effectiveness of equipment.	Require owner/operator to clean off the corrosion and test the equipment (such as leak detector) to ensure its effectiveness has not been hampered by the heavy corrosion.
<b>Sumps</b>	Visible staining or slow drips noted in the turbine sumps	Potential suspected release of petroleum into the environment.	Require owner/operator to investigate the cause and quickly correct it. In some cases, more action may be necessary – check back upon return to the office.
<b>Spill buckets</b>	Minimal liquid (under ¼ inch depth) or some debris on the bottom of spill buckets  Comment: Please refer to “Spill and Overfill” section of Attachment 6, presence of water and debris in the spill containment is a violation	May indicate that spill buckets are not cleaned out frequently enough, reducing their capacity.	Cleaning out the spill buckets on a routine basis (once a week and after heavy rains and fuel deliveries).
<b>Dispensers</b>	Visible staining or slow drips under the dispensers or noted in the turbine sumps	Potential release of petroleum into the environment.	Require owner/operator to investigate the cause and quickly correct it.

## 2.5. Facility Records Review

This section provides guidelines for dealing with any recordkeeping areas of concern found during the inspection. **Note:** The Facility Representative should have been informed about the types of records he/she should have during the in-briefing portion of the inspection (**Section 2.3 In-Briefing and Facility Information Review**), and gotten a chance to obtain required records from the corporate office or other location, if applicable.

2.5.1. Contractor shall follow the Inspection Checklist, which indicate the records that each UST facility is required to keep. For each of the required records that the facility does not have:

- 2.5.1.1. Document failure to keep the record on the Inspection Checklist
- 2.5.1.2. Identify missing records to Facility Representative

## APPENDIX A – INSPECTION PROTOCOLS

2.5.1.3. Inform Facility Representative that any missing record must be faxed or emailed to the Contractor within 48 hours after ~~of~~ the inspection.

2.5.2. Regardless of the financial responsibility mechanism used, owners and operators must have documentation on site to show that they are meeting Financial Responsibility requirements, hereafter referred to as “FR” (for more information, refer to OUST Publication titled “Financial Responsibility for Underground Storage Tanks: A Reference Manual” (# EPA-510-B-00-003; January 2000). Contractor shall verify that FR records are complete by performing the following:

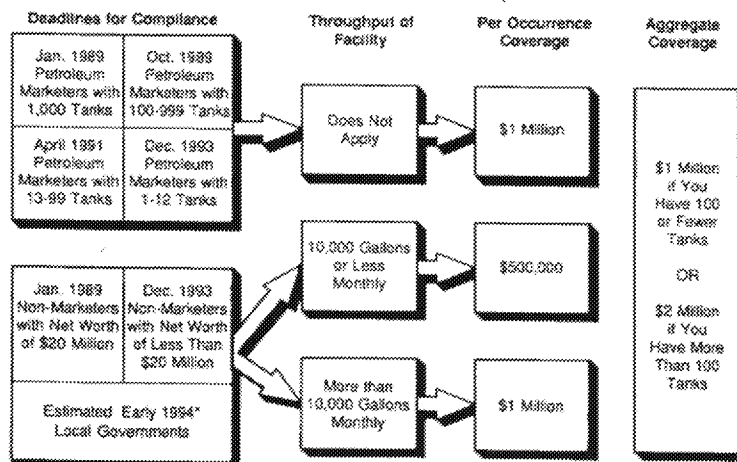
2.5.2.1. Determine compliance FR mechanism

2.5.2.2. Use Requirements for all Facilities Checklist and make sure that it meets State requirements by looking at the following key features:

- Type of mechanism
- Amount of coverage; annual (minimum of \$500,000) and aggregate (minimum of \$1,000,000) Use Figure 1 below as reference:

Figure 1.

### Requirements and Deadlines for Financial Responsibility



\*Deadline will be one year following publication of the final rule on additional mechanisms for local governments, still under EPA review as of January 1, 1993.

- Effective period of coverage (make sure that it is current)
- Scope of the FR (specific to the site & includes UST pollution liability, site location/address and # of USTs covered must be reflected correctly in the tank schedule)
- Amounts of coverage must be dedicated to USTs located in Hawaii only.

APPENDIX A – INSPECTION PROTOCOLS

- Certification of Financial Responsibility is updated (HDOH will provide a sample template)

2.5.2.3. If the Facility Representative does not have a financial responsibility mechanism available, or presents something that does not meet State requirements:

- Explain what the requirements are, and why the FR mechanism fails to meet them.
- Explain the violation/s and potential penalty associated with the violation/s.

(Maybe moved to 2.6.4)

- If the owner/operator wishes to use Commercial Insurance, provide the website where they can access the most current list of UST insurance providers: [ HYPERLINK "http://www.epa.gov/oust/pubs/inslist.htm" ]

Commented [rk47]: Need further clarification

Commented [IRD48R47]: What do you mean by this?

2.5.2.4. If FR records are provided but in doubt about the validity of the FR mechanism provided, note an area of concern of FR requirements (as indicated in the

**Requirements for all Facilities Checklist, Attachment 6**), however-However explain to the Facility Representative that the area of concern will be withdrawn if the FR mechanism is found to be valid after further document review.

Commented [rk49]: Reword needed

Commented [IRD50R49]: Not sure what you meant?

2.5.2.5. If the Facility Representative claims to have a FR mechanism but does not have copies of ALL supporting documents on site, note the area of concern of Financial Responsibility requirements and request that the Facility Representative fax/email deficiencies to the Contractor. (Comment: As a follow up to an inspection, Contractor must initially determine areas of concern outlined under 2.5.2, if in doubt consult with the HDOH Technical POC) Contractor must explain to the Facility Representative that not having the record readily available during the inspection constitutes a recordkeeping violation. (Comment: maybe moved to 2.6.4, recordkeeping is almost always misunderstood by the regulated community, that providing missing documents later after the inspection does not incur a consequence.)

Commented [rk51]: Reword needed

Commented [IRD52R51]: Not sure what you meant

2.6. Follow-up Recommendations, Field Citations, Final Paperwork (Comment: While the contract is in effect, Contractor must follow up and review documents requested and/or in response to areas of concern noted during inspections. Should the Contractor find it difficult to determine compliance, consult with the HDOH Technical POC

Commented [PB53]: I defer to DOH on whether this should be moved.

Formatted: Highlight

2.6.1. Filling out Notice of Inspection Form

2.6.1.1. Contractor shall review the Inspection Checklists and ensure that all applicable fields have been completed.

2.6.1.2. Contractor shall copy the citation number onto include a citation to the appropriate Hawaii regulation on the Notice of Inspection (**Attachment 10**) for each area of concern from the UST Inspection Checklists.

Commented [rk54]: You are referring to the regulations. Not the citation number on the form.

Commented [IRD55R54]: Regs reference

2.6.1.3. Contractor shall indicate the required tasks to correct each area of concern and:

- If the description of corrective action tasks printed on back of the Notice of Inspection is sufficient for the current situation, check the "see on back" box;
- If the description on back is not sufficient, check "see below" box and describe corrective actions in the "Comments" section.

Commented [rk56]: Is this on a new form?

Commented [IRD57R56]: Let's verify this with Bob

## APPENDIX A – INSPECTION PROTOCOLS

2.6.1.4. Contractor shall provide the facility representative with his/her fax number and email address of the DOH Technical POC for submitting documents. If the lead inspector and assisting inspector are from different agencies, provide fax number and email addresses for both.

2.6.1.5. Contractor shall record “poor housekeeping” problems in the “Comments” section of the form.

2.6.1.6. Contractor shall discuss each item written in the Notice of Inspection with the Assisting Inspector, if one is present, and obtain concurrence and signature from the Assisting Inspector.

#### 2.6.2. Presence of Egregious Areas of Concern

Some areas of concern discovered during inspections are serious enough to warrant formal enforcement against a facility regardless of other factors. If such areas of concern are present, the inspector will note them while inspecting the facility equipment, reviewing records and filling out the Inspection Checklist. Table 2.6.2 below lists these violations.

**Commented [PB58]:** The Contractor cannot provide his or her fax number. They are acting as the agent of DOH. Why would you not want the documents sent to DOH?

**Commented [JRD59R58]:** Documents requested by the contractor should be reviewed by him before it is forwarded to the DOH Technical POC. Initial determination of compliance must be made by the contractor. Before an inspection is closed, the inspection report package, to include all requested documents, communication logs e.g. emails, phone calls relevant to the resolution of the areas of concerns, shall be collated and submitted to the DOH Technical POC for final review before a close out letter/field citation is drafted, whichever action is appropriate.

I'll suggest to Roxanne if we can assign a temporary email and phone number for the contractor.

**Table 2.6.2**

<b>“Egregious Areas of Concern”</b>	<b>HAR Citation</b>
Roxanne: Should HDOH limit such “egregious areas of concern” to this list only? The list below only addresses subsections 8-9, what about the rest?	
<b>Spills/overfills</b>	
Failure to report a spill/overfill	§11-281-64
Failure to report a spill/overfill (if appropriate) to implementing agency within 24 hours (or other specified time period)	§11-281-61
Failure to investigate and clean up a spill/overfill	§11-281-64
Failure to contain and immediately clean up a spill/overfill of less than 25 gallons	§11-281-64(b)(1)
Failure to contain and immediately clean up a hazardous substance spill/overfill	§11-281-64(b)
<b>Releases</b>	
Failure to report a suspected release within 24 hours to the implementing agency	§11-281-72
Failure to investigate and confirm a release (if appropriate) using accepted procedures	§11-281-63(b)(3)
Failure to take initial response actions within specified time period after a release is confirmed	§11-281-72

**Commented [PB60]:** Roxanne needs to answer this question.

## APPENDIX A – INSPECTION PROTOCOLS

Failure to perform initial abatement measures and submit report within 90 days (or other specified time) of release confirmation	§11-281-74
Failure to submit report on initial site characterization within 90 days (or other specified time) of release confirmation	§11-281-75, 77
Failure to perform free product removal and submit report within 30 days (or other specified time) of release confirmation	§11-281-76
<b>Tank closures and changes-in-service</b>	
Failure to empty and clean tank system and conduct a site assessment prior to a change-in-service	§11-281-82(d)
Failure to measure (if required) for the presence of a release before a permanent closure	§11-281-83
If contaminated soil, contaminated ground water, or free product is discovered, failure to begin corrective action	§11-281 Subchapter 7
<b>Financial Responsibility</b>	
Use of falsified financial documents to pass financial test of self-insurance	§11-281-96

## 2.6.3. For facilities at which no areas of concern were observed:

## 2.6.3.1. If the facility has “poor housekeeping” problems, explain the following:

- Problems and their significance;
- What the facility needs to do to correct the problems; and
- That it is in the facility’s best interest to take care of each problem as soon as possible because it will help avoid more serious problems in the future.

## 2.6.3.2. Obtain a signature from the Facility Representative on the Notice of Inspection (Attachment 10)

## 2.6.4. For sites with significant non-compliance history the Contractor shall perform the following actions:

## 2.6.4.1. For each area of concern found during the inspection, explain the following to the Facility Representative

- The area of concern and its significance
- What the facility needs to do to correct areas of concern
- That correcting the areas of concern as soon as possible is in the facility’s best interest because fine amounts for areas of concern may increase as the number of days the facility is found to be out of compliance increases and if any of the areas of concern are “egregious”, not taking care of them immediately increases the potential for costly damage.

## 2.6.4.2. If “poor housekeeping” areas of concern are observed, explain the following:

- Problems and their significance;
- What the facility needs to do to correct the problems (see Section 2.4.1.9. for examples; and

APPENDIX A – INSPECTION PROTOCOLS

-That it is in the facility's best interest to take care of each problem as soon as possible because it will help avoid more serious problems in the future.

- 2.6.4.3. Obtain a signature from the Facility Representative on Notice of Inspection form. If Facility Representative declines to sign the Notice of Inspection form, note that on the form and report to HDOH Technical POC upon return.

2.7. Addressing Problems during inspection

- 2.7.1. When the Contractor is denied access to the facility the Contractor shall perform the following actions

- Immediately leave the property
- Complete the Access Denial Form (**Attachment 11**), being as specific as possible.
- After completion of the above, immediately contact the HDOH Technical POC at 808-586-4226.
- Fax or email the Access Denial Form to the HDOH Technical POC.

2.7.2. Unprepared Facilities

In some cases, facilities may not be fully prepared for the inspection. For example, equipment and keys for opening sumps and dispensers may be unavailable or records may be inaccessible. As a result, the inspector may not be able to review many of the items on the Inspection Checklist. The Contractor shall follow the Inspection Checklist, noting everything that can be observed and note the limitations of the inspection.

(Comment: When appropriate pieces of equipment are not available to access components of the UST system and upon concurrence with the Facility Representative, Contractor MUST be ready to use his/her own equipment to proceed with the inspection.

If a special equipment is required, but unavailable, to access UST components, Contractor must reschedule/complete the inspection later that day or on a different day and make sure that appropriate pieces of equipment are available. UST component verification of operability or functionality is very essential in determining "areas of concern" and to facilitate valuable follow ups later, thus it MUST be completed.

**Commented [PB61]:** Please provide more explanation for this comment. If the required equipment is different than what is required in Table 1-9 above then the Table needs to be revised.

**Commented [IRD62R61]:** Added items on the list. This is just to ensure that inspection is executed. Identifying possible challenges with the facility representative well ahead of the inspection can be addressed when the courtesy inspection notice is made.

2.7.3. The Contractor shall take the following actions in case of a Suspected Release or Releases:

- 2.7.3.1. Note suspected release on the Notice of Inspection
- 2.7.3.2. List all signs of the suspected release on the Notice of Inspection (**Attachment 10**).
- 2.7.3.3. Refer the facility to the HDOH and inform the Facility Representative that the HDOH will likely require the facility to take the following steps to investigate the suspected release (record the referral on the Notice of Inspection):
- Contact a certified UST repair technician to check and repair any failure in the UST system.
  - Conduct a site assessment, if UST tightness test passed and environmental contamination is suspected (such as oily sheen in nearby surface water, strong smell of vapors in nearby buildings or sewer lines, gross soil contamination, etc.).

## APPENDIX A – INSPECTION PROTOCOLS

-Make sure to keep all records that document the release response and reporting to authorities.

2.7.4. Confirmed Releases – If an ongoing release is observed during the inspection, notify the facility staff and make note of the time and date of notification. Refer the site immediately by phone to the HDOH. The HDOH will decide whether to direct the facility to take any/all of the following steps:

2.7.4.1. Stop the release

- Take immediate action to prevent the release of more product by shutting off the emergency power switch.
- Shut off the power to the dispenser and bag the nozzle.

2.7.4.2. Contain the Spill

- Contain, absorb, and clean up any surface releases.

2.7.4.3. If the release Poses a Hazard, the facility should call 911

- Contact the local fire or emergency response authority – dial 911.
- Secure the area if hazards such as fire, explosion or vapor inhalation are identified
- The Contractor shall note whether any of the above steps are being/have been implemented after the HDOH has communicated with the Facility Representative and shall note the time and date of implementation.

2.7.5. Confidential Business Information

Contractors acting as inspectors should not receive information subject to a business confidentiality claim (as defined in 40 C.F.R. § 2.201). HDOH will be responsible for seeking and maintaining any such information. If CBI claims are made with respect to information already in the custody or control of the Contractor acting as inspector, the Contractor shall as soon as possible communicate directly with the HDOH Technical POC about the proper disposition of such material.

## 3. Inspection Follow Up

After return from the inspection trip, the Contractor shall be responsible for reporting to the HDOH Technical POC and following up with the facility until the inspection is closed and the facility has complied with all areas of concern.

3.1. Immediately upon return from the field, the Contractor shall discuss any inspection problems with the HDOH Technical POC or RPM if HDOH Technical POC is not available. These may include:

- Site access denial;
- Facilities unprepared for announced inspections;
- Sites that may require formal enforcement; and
- Facility Representatives that declined to sign the Notice of Inspection.

**Commented [PB63]:** Seems like a word was left out of this, "complied with" what?

**Commented [IRD64R63]:** Sorry, it should read ..."complied with all areas of concerns"



APPENDIX A – INSPECTION PROTOCOLS

3.2. Contractor shall report to HDOH on Fridays or at the end of the inspection week and provide an inspection summary of the inspection trip's completion to include the following documents:

- Inspection Checklists
- Notice of Inspection
- Field Citation Form (if applicable)
- Tank Notification Form (if applicable)
- Photographs from the inspection – documents should be digital images.

3.3. Complete the Inspection Schedule and Report Form, making any necessary changes to the information recorded prior to the inspections; submit to HDOH Technical POC

3.4. Enter UST inspection data, as appropriate, in HDOH database and update, when additional information is received.:

3.5. Contractor shall generate a close out letter, to be reviewed by the HDOH Technical POC, when ALL areas of concern have been addressed to include, but not limited to, the following:

- 3.5.1.Appropriate documentation proof of compliance is provided e.g. service/repair records, photos, invoices, monitoring tapes, FR documents, etc.
- 3.5.2.Received signed FC and payment

3.6. Contractor shall collate/organize all inspection-related documents and forms, documents obtained during and after the inspection, correspondences generated before, during and after the inspection, and submit to the HDOH Technical POC for scanning and filing.

**Commented [rk65]:** I would like the contractor to scan and name the documents and provide the information electronically. DOH will file the hard copies.

**Commented [IRD66R65]:** That's fine, pls. assign staff to orient contractor of our naming conventions.